

Customer No. 35745

Docket No. 100390-09650

1852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fastrez et al.
Serial No. : 08/978,607
Filed : November 26, 1997
For : Chimeric Target Molecules Having a Regulatable Activity
Group Art Unit : 1652
Examiner : Saidha, Tekchand

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited on May 6, 2004, with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: May 6, 2004


Eleanor N. Johnson, Reg. No. 53,076

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Director under 37 CFR § 1.181 and MPEP § 711.03(c) to withdraw the holding of abandonment of the above-identified application.

A Notice of Abandonment was mailed on April 16, 2004 stating that the application was abandoned due to Applicants' failure to respond to the Final Office Action mailed July 30, 2003.

However, Applicants timely filed on September 30, 2003 a Petition For Another Two Months Extension Of Time and a Notice Of Appeal to the July 30, 2003 Final Office Action. Both the Petition and the Notice Of Appeal contained the requisite Certificate Of

Mailing certifying that those documents were indeed timely filed on September 30, 2003. 37 C.F.R. § 1.8. A copy of Applicants' Notice of Appeal and Petition For Another Two Months Extension Of Time are attached hereto as Exhibit A and B respectively.

Further, the return receipt postcard duly stamped by the United States Patent and Trademark Office on October 3, 2003, acknowledging receipt of: (1) Notice of Appeal and duplicate copy; (2) Petition For Two-Month Extension Of Time and duplicate copy; (3) Kramer Levin Naftalis & Frankel LLP check for \$160.00; (4) Kramer Levin Naftalis & Frankel LLP check for \$410.00; and (5) Certificate of Mailing dated September 30, 2003 by the United States Patent and Trademark Office, is attached as Exhibit C. Copies of items (3) and (4), i.e., the checks for the amounts of \$160.00 and \$410.00, respectively, are attached as Exhibit D.

Therefore, withdrawal of the Notice of Abandonment, and reinstatement of the pendency of the application in consideration of the Applicants' Notice of Appeal is respectfully requested so that Applicants may proceed to timely file an Appeal Brief in the above captioned application.

No fee is believed due. If there are any such fees, the Director is authorized to charge and deficiency, or credit any overpayment, to our Deposit Account No. 50-0540.

Dated: May 6, 2004

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicants

By: 

Barry Evans, Reg. No. 22,802
Eleanor N. Johnson, Reg. No. 53,076
Kramer Levin Naftalis & Frankel LLP
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New York, NY 10022
(212) 715-9100

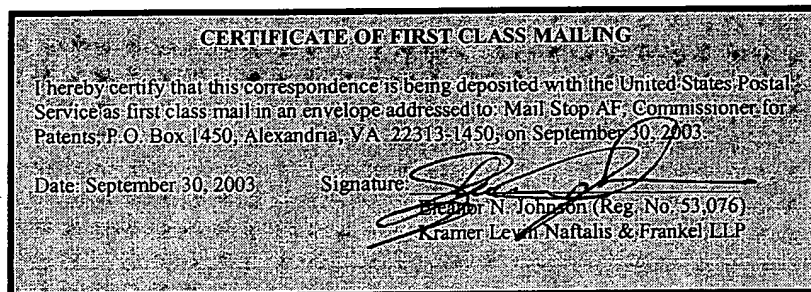


Customer No. 35745

Attorney Docket No. 100390-9650

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fastrez et al.
Serial No. : 08/978,607
Filed : November 26, 1997
For : ***CHIMERIC TARKET MOLECULES HAVING A
REGULATABLE ACTIVITY***
Group Art Unit : 1642
Examiner : T. Saidha



Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 30, 2003

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Final Official Action mailed April 1, 2003 rejecting claims 13-29.


Under 37 C.F.R. § 1.17(b), a check in the amount of \$160.00 to cover the required fee is enclosed.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0540. A duplicate copy of this notice is enclosed.

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicants

By:



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Customer No. 35745

Docket No. 100390-9650

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fastrez et al.
Serial No. : 08/978,607
Filed : November 26, 1997
For : **CHIMERIC TARGET MOLECULES HAVING A
REGULATABLE ACTIVITY**
Group, Art Unit : 1642
Examiner : T. Saidha

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 30, 2003.

Date: September 30, 2003

Signature:

[Signature]
Eleanor M. Johnson (Reg. No. 53,076)
Kramer Levin Mafalis & Frankel LLP

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 30, 2003

PETITION FOR ANOTHER TWO MONTH EXTENSION OF TIME

Sir:

Applicants hereby petition the Commissioner for Patents to further extend the time for filing a response to the Office Action mailed April 1, 2003 by another two (2) months from August 1, 2003 until October 1, 2003. Applicants previously petitioned and paid for a first extension of time for response by one (1) month from July 1, 2003 until August 1, 2003.

A check in the amount of \$410.00 to cover the cost of the extension is enclosed, calculated by subtracting the \$55 fee already paid for the first one (1) month extension from the \$465 fee for a three (3) month extension of time. A duplicate copy of this Petition is enclosed.

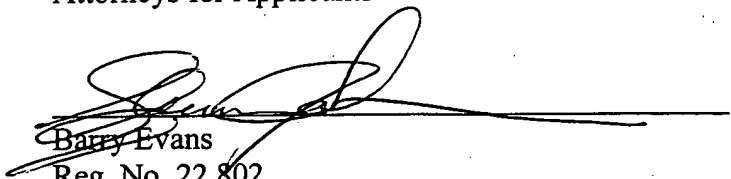
If there are any additional fees, please charge them to our firm Deposit Account No. 50-0540.

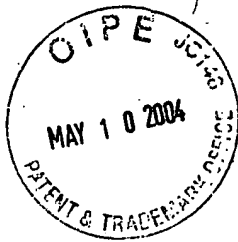
Dated: September 30, 2003

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicants

By:


Barry Evans
Reg. No. 22,802
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Docket Number: 100390/9650
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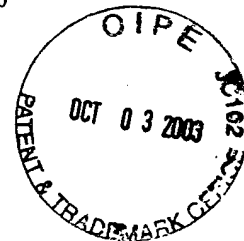
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PRIVATE BANKING DIVISION
153 E. 53RD STREET
NEW YORK, N.Y. 10043

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